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EXAMINER: ROBINSON-BOYCE, A.

TITLE: System and Method for Distributing Information Through Cooperative Communication Network Sites

**37 CFR 41.37 SUPPLEMENTAL APPEAL BRIEF**

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ALEXANDRIA, VA 22313-1450

Sir:

This Supplemental Appeal Brief replaces the Appeal Brief filed March 21, 2005. This is an appeal from the non-final rejection mailed October 21, 2004. A Notice of Appeal was timely filed January 19, 2005. The claims on appeal are set forth in the Appendix.



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### **37 CFR 41.37 (a)**

A notice of appeal was filed under 41.31 1/19/2005 and an appeal brief was filed 3/21/2005 which was accompanied by the fee set forth in 37 CFR 41.20(b)(2). This supplemental brief sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

### **II. 37 CFR 41.37 (b)**

The filing is timely. Accordingly, this subsection is not relevant.

### **III. 37 CFR 41.37(c)(1)**

#### **A. 37 CFR 41.37(c)(1)(i) Real party in interest**

The real party in interest is Catalina Marketing International, Inc., a Delaware corporation, which is wholly owned by Catalina Marketing Corporation, a Florida corporation.

#### **B. 37 CFR 41.37(c)(1)(ii) Related appeals and interferences**

An appeal is pending in the following related application:

US Application No: 08/873,974, filed June 12, 1997 (Neifeld Ref: CAT/34-SCRO-US).

#### **C. 37 CFR 41.37(c)(1) (iii) Status of claims**

Claims 24-31, 36-43 and 48-51 are pending, rejected, and under appeal. Claims 32-35 and 44-47 have been canceled.

#### **D. 37 CFR 41.37(c)(1) (iv) Status of amendments**

All amendments have been entered.

#### **E. 37 CFR 41.37(c)(1)(v) Summary of claimed subject matter**

Claim 24 defines a computer network implemented method, comprising the steps of: transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said

manufacturer (Fig. 1 item 10; page 8 lines 24-25; Fig. 2 items 2, 10, 30; page 9 lines 18-20; Fig. 1);

in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site (page 8 lines 25-29; Fig. 1);

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer (page 8 lines 25-28; page 9 lines 20-26; Fig. 2 items 2, 14; 32, 36, 38; Fig. 1); and

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address (Fig. 2 items 16, 44, 46, 48; Fig. 1).

Claim 28 defines a computer network implemented method, comprising the steps of:

transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer (Figure 3 item 50; page 10 lines 4-7; Fig. 1);

in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site (Figure 3 items 14, 52, 54; Fig. 1);

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1); and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 36 defines a computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer (Fig. 1 item 10; page 8 lines 24-25; Fig. 2 items 2, 10, 30; page 9 lines 18-20; Fig. 1);

means for, in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site (page 8 lines 25-29; Fig. 1);

means for, in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer (page 8 lines 25-28; page 9 lines 20-26; Fig. 2 items 2, 14; 32, 36, 38; Fig. 1); and

means for transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address (Fig. 2 items 16, 44, 46, 48; Fig. 1).

Claim 37 defines the system according to claim 36, wherein said means for transmitting from said remote site said list further comprises means for transmitting a link to a Web site of said retailer (page 10 lines 11-12; Fig. 3 items 58,60; Fig. 1).

Claim 38 defines the system according to claim 36, further comprising means for determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site (page 10 lines 7-11; Fig. 3 items 52, 54, 56, 58; Fig. 1).

Claim 39 defines the system according to claim 36, further comprising (page 10 lines 12-16; Fig. 3 items 62, 64, 66, 68; Fig. 1):

means for transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive;

means for transmitting from said Web site of said manufacturer to said remote site said selection data;

means for transmitting from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive; and

means for transmitting from said Web site of said manufacturer to said consumer computer said details.

Claim 40 defines a computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a

retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer (Figure 3 item 50; page 10 lines 4-7; Fig. 1);

means for, in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site (Figure 3 items 14, 52, 54; Fig. 1);

means for, in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1); and

means for, in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 41 defines the system according to claim 40, further comprising: (page 3 lines 3-14; Fig. 1)

means for transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request; and

means for determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification.

Claim 42 defines the system according to claim 40, further comprising means for transmitting from the consumer computer over the Internet to the Web site of the retailer region data (page 9 lines 20-26; Fig. 1).

Claim 48 defines a computer program product for implementing on a network a method, comprising the steps of:

in response to receiving at a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site (Fig. 1 item 10; page 8 lines 24-25; Fig. 2 items 2, 10, 30; page 9 lines 18-20; Fig. 1);

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive

and at least one name and address of a retailer (page 3 lines 3-14; Fig. 1); and transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 49 defines a computer program product for performing a computer network implemented method, comprising the steps of:

in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet to a Web site of a retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site (Figure 3 item 50; page 10 lines 4-7; Fig. 1);

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1); and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives (page 10 lines 13-16; Figure 3 items 18, 64, 66, 68; Fig. 1).

Claim 50 defines a computer implemented method comprising performing transactions involving multiple separate entities, including

transmission from a consumer to a retailer website (Figure 3 item 50; page 10 lines 4-7; Fig. 1),

transmission from the retailer website to a remote website (Figure 3 items 14, 52, 54; Fig. 1), and

transmission from the remote website to the retailer website, of a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1).

Claim 51 defines a system comprising structure for performing transactions involving multiple separate entities, including:

means for transmitting from a consumer to a retailer website (Figure 3 item 50; page 10 lines 4-7; Fig. 1),

means for transmitting from the retailer website to a remote website (Figure 3 items 14,

52, 54; Fig. 1), and

means for transmitting from the remote website to the retailer website, of a list of manufacturer incentives (page 10 lines 9-11; fig. 3 items 14, 18, 56; Fig. 1).

**F. 37 CFR 41.37(c)(1)(vi) Grounds for rejection to be reviewed on appeal**

Whether the rejections of claims 50 and 51 under 35 USC 112, second paragraph, are improper and should be reversed.

Whether the rejections of claims 24, 25, 26, 28, 30, 36, 37, 38, 40, 42, 48, 48, 49, 50 and 51 under 35 U.S.C. 102(e) as being anticipated by Perkowski (US Patent 5,950,173) are improper and should be reversed.

Whether the rejections of claims 27 and 39 under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US Patent 5,950,173) are improper and should be reversed.

Whether the rejections of claims 29 and 41 under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US 5,950,173), and further in view of Sloane (US Patent 5,918,211) are improper and should be reversed.

Whether the rejections of claims 31 and 43 under 35 U.S.C. 103(a) as being unpatentable over Perkowski (US 5,950,173), and further in view of Smolen (US Patent 5,915,243) are improper and should be reversed.

**G. 37 CFR 41.37(c)(1)(vii) Argument**

**1. The Rejections Under 35 USC 112 of Claims 50 and 51**

**a. The Examiner's Assertions**

In support of the rejections of claims 50 and 51 under 35 USC 112, second paragraph, the examiner stated that:

Claims 50 and 51 recites [sic] the limitation "transmission from the a consumer to a retailer website", "transmission from the retailer website to a remote website" in claim 50 and "mean for transmitting from the a consumer to a retailer website", "means for transmitting from the retailer website to a remote website", in claim 51. There is insufficient antecedent basis for this limitation in

the claim.

There is no indication as to what is being "transmitted". Correction is required. [Office action mailed April 6, 2004 page 2 lines 18-24.]

**b. The Applicants' Reply**

In reply, the applicants disagree for several reasons.

First, there is almost ipsus verbis antecedent basis support for the subject claim recitations in the specification, and the subject claim recitations are clearly supported by the specification's recitations. See page 3 lines 23-26 and page 11 lines 1-4.

Page 3 lines 23-26 of the specification states that:

The next steps of the method are receiving offer selection data from the consumer through the manufacturer network site, and either transmitting details of the selected offers to the manufacturer network site for use by the consumer, or linking the consumer directly to a selected retailer network site to view the available offers.

Page 11 lines 1-4 of the specification states that:

FIG. 5 shows how manufacturers input update data to the manufacturer offer database 16. In one approach, the manufacturer supplies the data on input forms 90, which are entered at the SMO site 14, as indicated at 92, and transmitted to the databases 16 and 20 by means of an update program 94 executed at the SMO site.

These two recitations clearly disclose that there is a transmission (and a means for transmission) from the retailer website to a remote website; and a transmission (and a means for transmission) from the retailer website to a remote website. Moreover, there is sufficient indication as to what is being transmitted, namely, details of the selected offers, as well as data that is input by manufacturers and used to update the manufacturer offer database.

Second, in drafting claims 50 and 51, applicants presented a method claim and a system claim commensurate in scope with and mirroring the wording in the Board of Patent Appeals and Interferences' (panel's) description of the independent claimed inventions. In the decision on

appeal mailed October 27, 2003, the panel stated that:

With regard to the rejections under 35 U.S.C. 103, we will not sustain these rejections because each of the independent claims 24, 36, 48, and 49 includes limitations similar to those in claims 28 and 40, i.e., transactions involving multiple separate entities, wherein there is transmission from the consumer to a retailer website, transmission from the retailer website to a remote website, and transmission from the remote website to the retailer website, of a list of manufacturer incentives. Finally, the retailer web site transmits to the consumer a list of these incentives. [Decision on appeal page 9 lines 3-10.]

Since claims 50 and 51 are essentially identical in scope to the panel's description of applicant's claimed invention, they are allowable for the same reasons applying to appealed claims 24-31, 36-43, and 48-49.

Third, the examiner's rejections for lack of antecedent basis misapplies the law because anyone reading the claims would know what they defined. The applicants offer to amend any grammatical error in these claims, mooting the antecedent basis issue, if required by the examiner or the panel, in exchange for allowance of these 2 claims. For all of the foregoing reasons, the rejections of claims 50 and 51 as indefinite are improper and therefore should be reversed.

## **2. The Rejections Under 35 USC 102(e) of Claims 24-26, 28, 30, 36-38, 40, 42, and 48-51 as Being Anticipated by Perkowski**

The rejections based upon Perkowski are improper because (1) Perkowski does not anticipate or suggest the subject matter claimed and (2) Perkowski is not 102(e) prior art.

### **a. Perkowski is Not Prior Art; it Was Previously Antedated**

The applicant submits that Perkowski (USP 5,950,173) is not prior art under 35 USC 102(e) because the evidence of record shows that Perkowski does not have a 35 USC 102(e) date prior to the applicant's proved date of invention.

Perkowsky is not entitled to any earlier 102(e) date than its May 12, 1997 filing date because its priority claim to an earlier application is a claim to continuation-in-part status. Therefore, Perkowsky is not entitled to an earlier 102(e) date than its actual filing date under applicable law. In re Wertheim, 646 F.2d 527, 209 USPQ 554, 565-66 (CCPA 1981), which states that:

The dictum in Lund, 4 supra, that \* \* \* the continuation-in-part application is entitled to the filing date of the parent application as to all subject matter carried over into it from the parent application \* \* \* for purposes of \* \* \* utilizing the patent disclosure as evidence to defeat another's right to a patent \* \* \* [emphasis in original] is hereby modified to further include the requirement that the application, the filing date of which is needed to make a rejection, must disclose, pursuant to §§120/112, the invention claimed in the reference patent. Where continuation-in-part applications are involved, the logic of the Milburn holding as to secret prior art would otherwise be inapplicable. Without the presence of a patentable invention, no patent could issue "but for the delays of" the PTO.

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It was dictum because the only relevant holding in Lund was that matter not carried over could not be used as evidence of prior art. The quoted passage in the text was not necessary to the decision. [In re Wertheim, 646 F.2d 527, \_\_\_, 209 USPQ 554, 565-66 (CCPA 1981).]

Attachment 1, of record in this application, contains two 37 CFR 1.131 declarations. Those two declarations were both previously accepted by the examiner as proof invention of the subject matter now claimed on a date *prior to "May 13, 1997"*, **which means that the examiner previously accepted those declarations as proof of invention no later than May 12, 1997.** Paragraph (2) of both declarations allege invention on a date *prior to* May 13, 1997, which means

no later than May 12, 1997. Perkowsky is 102(e) prior art as of its May 12, 1997 filing date. Therefore, the two 37 CFR 1.131 declarations both of record in this application show that Perkowsky's 102(e) prior art date is not prior to the date of invention proved for the claims in this application. Therefore, Perkowsky does not qualify as prior art.

Both 37 CFR 1.131 declarations refer in their respective paragraphs (3) and (4) to their Exhibits A and B respectively. Exhibits A and B were part of those declarations as filed and now of record in this application.

Exhibit A is a 9 page memorandum in which the first three pages contain primarily text and the last six pages are figures.

Page 4 of Exhibit A is substantially identical to figure 1 in this application; page 5 is substantially identical to figure 2 in this application; page 6 is substantially identical to figure 3 in this application; page 7 is substantially identical to figure 4; page 8 is substantially identical to figure 5; and page 9 is substantially identical to figure 6. The last two paragraphs of page 3 of Exhibit A contain a written disclosure of what is claimed, and page 4 shows graphically the system with arrow lines showing process flow substantially as claimed. Accordingly, the examiner was initially correct in accepting this information along with the declarations as proof of invention no later than May 12, 1997.

Furthermore, the first page of the Exhibit A memorandum includes the text "DATE:" after which a date has been written over with blank magic marker. However, in my copy, the date is still clearly visible despite the black magic marker as 4/23/1997. Accordingly, this piece of evidence shows a date of invention prior to 5/12/1997.

Still further, I have in my files the original document from which I (Richard A. Neifeld) prepared Exhibit A. The original also shows the 4/23/1997 date.

For these additional reasons, the evidence shows that Perkowsky is not 102(e) prior art.

Exhibit B is referred to in the declaration as Mr. Heal's, the attorney of record at the time, billing records. Exhibit B is a one page document containing date, matter, and dollar entries in columns. Each row shows a date upon which work was done preparing the subject application. Exhibit B shows a date entry for 5/12/1997 corroborating that the concept of the application existed by that date. Note that Exhibit B shows only one row entry per date. The date fields for

the first two entries are written over with black ink. However, the fact that those two rows appear above the row having the date of 5/12/1997, and the text descriptions of those two entries ("Review disclosure prior to meeting with inventors" and "Meeting with ...[inventors]") all confirm that the conception of the subject matter shown in the Exhibit A occurred prior to May 12, 1997, consistent with the "4/23/1997" date appearing on the face of Exhibit A. All subsequent entries show diligence to constructive reduction to produce one month later. For these additional reasons, the evidence shows that Perkowski is not 102(e) prior art.

Thus, the evidence of record shows that the claimed inventions were made prior to May 12, 1997, and certainly no later than May 12, 1997. Therefore, Perkowski is not prior art.

b. **Claims 28 and 40**

i. **The Examiner's Assertions**

The examiner asserts at page 3 line 8 to page 5 line 6 of the office action mailed October 21, 2004, that:

As per claim 28, 40, Perkowski discloses:

transmitting from a consumer computer over the internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer/means for transmitting from a consumer computer over the internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer/transmission from the consumer to a retailer website, (Col. 11, line 64-Col. 12, line 5, shows a plurality of User (or Client) Computers being connected to the Internet and available to consumers, Manufacturers, and Retailers, w/ Col. 15, lines 1-4, lines 19-27, shows that a consumer makes a request at a client subsystem that is physically hosted at the retailer by way of a three field browser framework);

in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site/means for transmitting said request from said Web site of said

retailer over the Internet to a remote Web site, (Col. 15, lines 37-49, shows that when a request is made, the IPI finding mode and the UPN (i.g. UPC) search mode of the IPI finding and serving subsystem is activated through the IPI website. In this case, the IPI finding and serving subsystem is the remote system since it is associated with the operation of the Web based document server which serves Web pages to clients);

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives/means for transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; (Col. 12, lines 16-20, shows transfer of consumer product related information between the Remote Client Computer and the Web Based Document Server, in this case, the retailer website is shown by the Client Computer, and the remote website is shown by the Web Based Document Server since it is remote to the Remote Client], w/ Col. 11, lines 37-40, [shows that a central UPC/URL database Subsystem serves the consumer product information to retailers, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to retailers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives).

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives/means for transmitting over the Internet to said consumer computer said list of manufacturers incentives, (Col. 11, lines 37 40, shows that a central UPC/URL database Subsystem serves the consumer product information to consumers, w/ Col. 13, lines 2-9, where it is also shown that he Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product

information to the consumers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives). [Office action mailed October 21, 2004, page 3 line 8 to page 5 line 6.]

ii. **The Passages from Perkowsky Relied Upon By the Examiner**

In rejecting claims 24-26, 28, 30, 36-38, 40, 42, and 48-51 the examiner relies on the following passages from Perkowsky:

Another object of the present invention is to provide such a product information finding and serving system, wherein the URLs symbolically linked to each registered product in the IPD Servers thereof are categorized as relating primarily to Product Advertisements, Product Specifications, Product Updates, Product Distributors, Product Warranty/Servicing, and/or Product Incentives (e.g. rebates, discounts and/or coupons), and that such URL categories are graphically displayed to the requester by way of easy-to-read display screens during URL selection and Web-site connection. [Perkowsky at column 6 lines 50-58.]

\*

\*

\*

As shown in FIGS. 2A1 and 2A2, the consumer-product information collection, transmission and delivery system illustrated in FIG. 1 is realized as an arrangement of system components, namely: a central UPC/URL Database Subsystem 9 for storing and serving various types of consumer-product information to retailers and consumers alike (e.g. the name of the product's manufacturer; the Universal Product Code (UPC) assigned to the product by the manufacturer; one or more URLs specifying the location of information resources on the Internet at which particular kinds of information relating to the consumer-product can be found; [Perkowsky at column 11 lines 34-45.]

\*  
\*  
\*

...a plurality of User (or Client) Computers, each indicated by reference numeral 13, being connected to the Internet via the Internet infrastructure and available to consumers ( $C_1, C_2, C_3, \dots, C_i$ ); one or more data communication (i.e. EDI) networks 14, comprising data collection nodes 15 and communication links 16, operably connected to the centralized UPC/URL Database Subsystem 9, each Client Computer 13 available to a Manufacturer ( $M_1, M_2, M_3, \dots, M_j$ ) and Retailer ( $R_1, R_2, R_3, \dots, R_k$ ) within the retail supply and demand chain;  
[Perkowski at column 11 line 64 to column 12 line 5.]

\*  
\*  
\*

...for administrating the registration of manufacturers and products with the system, initiating the transfer of consumer product related information (e.g. menu of URLs) between the remote Client Computer Systems and Web-Based Document Server 30, transferring such information to the IPD Servers 11, and maintaining local records of such information transfers and the like. [Perkowski at column 12 lines 16-21.]

\*  
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\*

...The function of the Web-based Document Server 30, Web-based Administration System 31 and remote client systems 13 running the Premenos.RTM. WebDox Remote.TM. software is to provide a Web-based Document Transport System for automatically transferring information (e.g. UPC/URLs) from manufacturers to the IPD Servers of the system in order to periodically update the same....[Perkowski at column 13 lines 2-9.]

\*  
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In the case of Client Subsystems physically hosted (i.e. located) within the environment of retail stores, a three-field browser framework as shown in FIG. 3C will be highly effective in meeting the needs of the retailer, consumer, and business organization delivering the IPI finding and serving subsystem of the present invention...[Perkowski at column 15 lines 1-4.]

\*  
\*  
\*

"Welcome to the UPC Request.TM. Consumer Product-Information Finding and Serving System sponsored by THE HOME DEPOT for your shopping convenience and pleasure."

The height of this display field 20A need only be a small fraction of the consumer's display screen (e.g. 3/4 inches) to convey this message to the consumers during use of the IPI finding and serving subsystem of the present invention within the retailer's real (or virtual) shopping environment. [Perkowski at column 15 lines 19-27.]

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...When selected, the IPI Find Button 21A activates the IPI Finding Mode of the IPI finding and serving subsystem. When selected, the UPC Search Button 21B activates the UPN Search Mode of the IPI finding and serving subsystem. When selected, the Product Registration Button 21C activates the Product Registration Mode of the IPI finding and serving subsystem. Each of these modes will be described in great detail hereinafter.

As shown in FIG. 3C, the third display field 20C, occupying a substantial

portion of the entire browser display screen, is used to display (1) Web pages that are served from the IPD Server 11 and are associated with the operation of either the IPI Find Mode, the UPC Search Mode or the Product Registration Mode of the system...[Perkowski at column 15 lines 26-49.]

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At Block C in FIG. 6A, the Client System C<sub>a</sub> receives the URL<sub>i</sub> from the IPD Server. Then, in response to a URL selection query based on the content of information subfields shown in FIG. 4A2 and displayed on the screen of the Client System Ca, the Client System Ca requests the IPI Server, identified by the user selected URL<sub>i</sub>, to provide the product information located by the registered URL<sub>i</sub>. Having accessed and displayed such product related information at the Client System, the user can review the information at the specified URL<sub>i</sub>, acquire knowledge about the product, and may, if the option is provided at the URL-specified Web-site, purchase the product by way of an on-screen electronic commercial transaction....[Perkowski at column 22 lines 48-60.]

### iii. The Applicants' Reply

In response to the rejection, the applicant submits that(1) Perkowski is not prior art (as explained above), (2) the examiner makes inconsistent factual assertions regarding Perkowski and Perkowski does not disclose several limitations of claims 28 and 40.

The examiner relies upon two or three elements in Perkowski to correspond to one distinct element defined in claims 28 and 40 several times in her rejection. The examiner at various points in her analysis equates (1) the three frame browser, (2) the client computer, or (3) the UPC/URL database subsystem of Perkowski to the retailer website defined in claims 28 and 40. See office action mailed 10/21/2004 page 3 lines 16-18, page 4 line 9, and page 4 lines 22-23. The examiner also equates Perkowski's (1) IPI finding and serving subsystem and (2) web based document server to the remote system defined in claims 28 and 40. See office action

mailed 10/21/2004 page 3 line 25 and page 4 lines 9-10. Thus, the examiner's reliance upon two or three elements in the reference, in the same argument, to correspond to one distinct element as defined by claims 28 and 40 is inconsistent. That is improper and not sustainable. While the examiner can make alternative arguments and correspondences, she cannot, properly rely upon alternative elements in Perkowsky in the same claim correspondence.

Moreover, Perkowsky does not disclose several limitations as defined by claims 28 and 40. As shown in Figure 7A, Perkowsky discloses a system whereby a request is sent from the client computer to the IPD server, and then to the IPI server. However, the IPI server sends the requested information to the client system, not back to the IPD server. The claimed invention defines a system and method for transmitting a request from a consumer computer to a retailer web site; transmitting from the retailer web site the request to a remote web site; but then transmitting from the remote site to the retailer web site a list of manufacturer incentives; and transmitting the list of manufacturer incentives to the consumer computer from the retailer web site.

First, Perkowsky does not disclose "transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer," as recited by claim 28 and defined by claim 40. Perkowsky's IPD server is not disclosed to be a web server of a retailer, as defined in the specification.

The examiner's interpretation of Perkowsky's 3 frame browser is clearly incorrect. The examiner states that a consumer makes a request at a client subsystem that is physically hosted at the retailer by way of a three field browser framework. See office action mailed 10/21/2004 page 3 lines 16-18. Perkowsky discloses that the three field browser contains three fields 20A, 20B, 20C. See Figure 3C. Perkowsky discloses that field 20A is a display field (Column 15 line 13); field 20B is used to display a GUI-based "control panel for the IPI finding and serving subsystem of the present invention (See column 15 lines 28-31); field 20C is used to display (1) web pages that are served from the IPD server and are associated with the operation of either the IPI find mode, the UPC search mode or the product registration mode of the system, and (2) web pages that are served from the IPI servers and are associated with products registered with the IPI

finding and serving subsystem (Column 15 lines 45-53). None of these three frames correspond to a retailer website; they are areas on the user's monitor where the browser software displays portions of web pages. Figure 3C depicts display of the three field browser framework on a user's monitor showing fields 20A-20C. The three field browser is, by definition "browser," software installed on the user's PC. Thus, the examiner's assumed conclusion that the three field browser corresponds to the claimed retailer web site is incorrect because a three field browser framework is not a retailer website.

The examiner's possibly assumed conclusion that Perkowski's web site is a retailer web site because it may be hosted by a retailer's computer is incorrect, because Perkowski web site, provides links to other (and clearly competing) retailer web sites and that functionality is inconsistent.

As Perkowski does not disclose receiving the request at the Web site of a retailer, Perkowski cannot disclose transmitting the request from a web site of a retailer over the Internet to a remote Web site.

Therefore, Perkowski does not disclose transmitting from a consumer computer over the Internet to a web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer, as defined by claims 28 and 40.

Second, Perkowski does not disclose "transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives," as recited by claim 28 and defined by claim 40.

Even assuming arguendo that the IPI is a remote web site, Perkowski does not disclose the list of incentives are sent from the IPI server to the IPD server (i.e. Perkowski does not disclose transmitting from a remote to a retailer website), as defined by claims 28 and 40. Rather, Perkowski discloses transmitting the requested incentive information from the IPI server to the client subsystem. See Figure 7A. Thus, Perkowski does not disclose in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives as defined by claims 28 and 40.

Moreover, Perkowski's web based document server is not a remote system as defined by claims 28 and 40. Perkowski discloses that a web based document server transfers documents

and messages to the remote client computer systems during the registration of manufacturers and consumer products and periodically updates product -related information with the IPD servers in an automatic manner. See column 12 lines 6-13. As the web based document server updates the IPD server automatically, Perkowski does not disclose that in response to receipt of request for incentives at the remote server, transmitting from the remote site to a retailer web site the list of incentives.

Third, Perkowski does not disclose “in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives,” as recited by claim 28 and defined by claim 40.

As Perkowski does not disclose a receipt of said manufacturers incentives at said Web site of said retailer, Perkowski does not disclose in response...transmitting over the Internet to said computer said list of manufactures incentives. Perkowski discloses transmitting from an IPD server or IPI server to a website product incentive information and URLs for the products. See column 20 lines 6-42 and Figures 5A and 7A. However, Perkowski discloses that the product incentive information is sent in response to the consumer conducting an IPI or UPS search. See column 20 lines 6-42 and figures 5A and 7A. Perkowski does not disclose the list of manufacturers incentives are sent to the customer in response to the receipt of the manufacturers incentives at the retailer’s website.

Therefore, for the reasons stated above, the applicants respectfully submit that the rejections of claims 28 and 40 under 35 USC 102(e) as being anticipated by Perkowski are improper and should be reversed.

c. **Claims 24, 36, 48, and 49**

i. **The Examiners Assertions**

The examiner asserts at page 5 line 7 to page 7 line 23 of the office action mailed October 21, 2004, that:

As per claim 24, 36, 48, 49, Perkowski discloses:  
transmitting from a consumer computer over the Internet to a Web site of a manufacturer/retailer a request for manufacturer incentives to purchase one of a

product and a service offered by said manufacturer/means for transmitting from a consumer computer over the Internet to a Web site of a manufacturer/retailer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer, (Col. 11, line 64-Col. 12, line 5, shows a plurality of User (or Client) Computers being connected to the Internet and available to consumers, Manufacturers, and Retailers, w/ Col. 15, lines 1-4, lines 19-27, shows that a consumer makes a request at a client subsystem that is physically hosted at the retailer by way of a threefield browser framework, in this case, both the manufacturer and retailer can be accessed at the retailer site since a three field Netscape style display framework is presented for interaction between the consumer and the manufacturer, and the consumer and the retailer);

in response/means for, in response to receipt of a request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site/in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site/in response to receiving at a web site of a manufacturer, a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said manufacturer over the Internet to a remote Web site/in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet to a Web site of a retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site, (Col. 11, lines 37-45, shows that consumer product information is stored to (transferred over to) the UPC/URL Database from a remote retailer or consumer, which includes the URLs specifying the location of information resources);

in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer/means for transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer/ in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives, (Col. 11, lines 34-45, shows the name of the product's manufacturer and URL specifying the location of information resources are served to remote clients, which are retailers, consumers, and manufacturers)

transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address/ in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives, (Col. 12, lines 16-20, shows transfer of consumer product related information between the Remote Client Computer and the Web Based Document Server, in this case, the consumer computer is shown by the Client Computer, and the remote website is shown by the Web Based Document Server since it is remote to the Remote Client, w/ Col. 11, lines 37-40, shows that a central UPC/URL database Subsystem serves the consumer product information to consumers, where the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers and is included in consumer product information, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to consumers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product

Incentives, w/ Col. 11, lines 34-45, shows the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers). [Office action mailed October 21, 2004, page 5 line 7 to page 7 line 23.]

ii. **The Applicants' Reply**

In response to the rejection, the applicant submits that (1) Perkowski is not prior art, as explained supra and (2) the examiner makes inconsistent factual assertions regarding Perkowski and Perkowski does not disclose several limitations of claims 24, 36, 48, and 49.

Perkowski does not disclose several limitations as defined by claims 28 and 40. As shown in Figure 7A, Perkowski discloses a system whereby a request is sent from the client computer to the IPD server, and then to the IPI server. However, the IPI server sends the requested information to the client system, not back to the IPD server. The claimed invention defines a system and method for transmitting region data from a consumer computer to a manufacturer web site; transmitting from the manufacturer web site the request to a remote web site; but then transmitting from the remote site to the manufacturer web site at least one incentive; and transmitting at least one manufacturer incentives to the consumer computer from the manufacturer web site.

First, Perkowski does not disclose “transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer,” as recited by claim 24 and defined by claims 36, 48. Moreover, as stated above, Perkowski does not disclose “in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Intenter to a Web site of a retailer...” as recited by claim 49.

The examiner states both the manufacturer and retailer can be accessed at the retailer site since a three-field Netscape-style display framework is presented for interaction between the consumer and the manufacturer, and the consumer and the retailer. See office action mailed 10/21/2004 page 5 lines 17-20. As explained supra, this argument is incorrect. Therefore,

Perkowsky does not disclose transmitting from a consumer computer over the Internet to a Web site of a manufacturer or retailer a request for manufacturer incentives to purchase one of a product and a service offered by said manufacturer as defined by claims 24, 36, 48 and 49.

As Perkowsky does not disclose receiving the request for incentives at the Web site of a manufacturer or retailer, Perkowsky cannot disclose transmitting region data from a web site of a manufacturer over the Internet to a remote Web site.

The examiner equates UPC/URL database to the remote website of claims 24, 36, 48, and 49. However, even if the UPC/URL database were a remote website, the request for a list of incentives is not transferred from a manufacturer website or retailer website to this database. Therefore, the rejections of claims 24, 36, 48, and 49 are improper and should be reversed.

Second, Perkowsky does not disclose “in response to receipt of region data at said manufacturer’s Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer,” as recited by claim 24 and defined by claims 36 and 48. Moreover, Perkowsky does not disclose “transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives,” as recited by claim 49.

Even assuming arguendo that the URL/UPC database is a remote website, Perkowsky does not disclose the list of incentives are sent from the URL/UPC database to the to the retailer or manufacturer website, as defined in claims 24, 36, 48, and 49. Rather, Perkowsky discloses transmitting information from the UPC/URL database subsystem to the IPD server, which is not a manufacturer website. See figure 2B. Thus, Perkowsky does not disclose in response to receipt of said region data at said remote site, transmitting from said remote site over the Internet to said Web site of said manufacturer or retailer at least one incentive as defined by claims 24, 36, 48, and 49.

Perkowsky only discloses transmitting product incentive information; Perkowsky does not disclose an incentive with at least one name and address of a retailer. Perkowsky discloses displaying a website with URLs and incentive information from IPD or IPI server to a customer. See column 20 lines 6-42. Perkowsky discloses a web site that is a page whereby a user can input a UPC code and obtain product information; it is not a retailer website, a manufacturer website or

a remote website. See Figure 3C. Thus, Perkowski does not disclose in response to receipt of said region data at said manufacturer's site, transmitting from said remote site over the Internet to said Web site of said manufacturer at least one manufacturer incentive as defined by claims 24, 36, and 48. Moreover, Perkowski does not disclose "transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives," as recited by claim 49.

The examiner states that Perkowski discloses the name of the product's manufacturer and URL specifying the location of information resources are served to remote clients, which are retailers, consumers, and manufacturers. See office action mailed 10/21/2004 page 6 lines 22-24. However, specifying the name of a manufacturer and its URL is not equivalent to transmitting an incentive from a remote website to a manufacturer or retailer website. Thus, the rejections of claims 24, 36, 48, and 49 are improper and should be reversed.

Third, Perkowski does not disclose "transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address," as recited by claim 24 and defined by claims 36 and 48. Moreover, Perkowski does not disclose "in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives," as recited by claim 49.

As Perkowski does not disclose a receipt of said manufacturers incentives at said Web site of said manufacturer, Perkowski does not disclose transmitting over the Internet to said consumer computer at least one manufacturer incentive. Perkowski discloses transmitting from an IPD server or IPI server to a website product incentive information and URLs for the products. See column 20 lines 6-42. However, Perkowski discloses that the product incentive information is sent in response to the consumer entering an IPI or UPS search. See column 20 lines 6-42 and figures 5A and 7A. Perkowski does not disclose at least one manufacturer incentive or a list of manufacturer incentives sent to the customer from the manufacturer website to the consumer computer in response to receipt of the manufacturers incentives at the manufacturer or retailer website.

The examiner equates the Web based document server to the remote website. See office action mailed 10/21/2004 page 7 lines 10-11. However, this fourth limitation in claim 24 does

not contain the remote website feature. Furthermore, as stated above, Perkowsky discloses transmitting a URL for a manufacturer along with product incentive information on a website served by IPD server; however, the IPD server website is not equivalent to manufacturer website or a retailer website. Furthermore, this is directly contradictory to the examiner's statement that the three frame browser is the retailer/manufacturer website. Therefore, for this additional reason, the rejections of claims 24, 36, 48 and 49 are improper and should be reversed.

In summary, for the reasons stated above, the applicants respectfully submit that the rejections of claims 24, 36, 48, and 49 under 35 USC 102(e) as being anticipated by Perkowsky are improper and should be reversed.

d. **Claims 25 and 37**

i. **The Examiner's Assertions**

The examiner asserts at page 7 line 24 to page 8 line 6 of the office action mailed October 21, 2004, that:

As per claim 25, 37, Perkowsky discloses:

wherein said step of transmitting from said remote site said list further comprises transmitting a link to a Web site of said retailer/wherein said means for transmitting from said remote site said list further comprises means for transmitting a link ... (Col. 11, lines 34-45, serving URLs to retailer). [Office action mailed October 21, 2004, page 7 line 24 to page 8 line 6.]

ii. **The Applicants' Reply**

First, as explained above, Perkowsky is not prior art.

Moreover, claims 25 and 37 depend from claims 24 and 36, respectively, and therefore include all the limitations of their respective base claims. Therefore, applicants respectfully submit that claims 25 and 37 are not anticipated by Perkowsky for at least the reasons given above for claims 24 and 36. Therefore, applicants respectfully submit that the rejections of claims 25 and 37 under 35 USC 102(a) as being anticipated by Perkowsky are improper and should be reversed.

e. **Claims 26, 30, 38, and 42**

i. **The Examiner's Assertions**

The examiner asserts at page 8 lines 7-13 of the office action mailed October 21, 2004, that:

As per claims 26, 30, 38, 42, Perkowsky discloses:

determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site/means for determining ... transmitting from the consumer computer over the Internet to the Web site of the retailer region data./means for transmitting ... (Col. 22, lines 48-60, URL selection query for product data, Col. 11, lines 34-40, shows that product data includes manufacturer name data). [Office action mailed October 21, 2004, page 8 lines 7-13.]

ii. **The Applicant's Reply**

First, the applicant submits that Perkowsky is not prior art, as explained supra.

Moreover, claims 26 and 38 depend from claims 24 and 36, respectively, and therefore include all the limitations of their respective base claims. Therefore, applicants respectfully submit that claims 26 and 38 are not anticipated by Perkowsky for at least the reasons given above for claims 24 and 36. Therefore, applicants respectfully submit that the rejections of claims 26 and 38 under 35 USC 102(a) as being anticipated by Perkowsky are improper and should be reversed.

Claims 30 and 42 depend from claims 28 and 40, respectively, and therefore include all the limitations of their respective base claims. Therefore, applicants respectfully submit that claims 30 and 42 are not anticipated by Perkowsky for at least the reasons given above for claims 28 and 40. Therefore, applicants respectfully submit that the rejections of claims 30 and 42 under 35 USC 102(a) as being anticipated by Perkowsky are improper and should be reversed.

f. **Claims 50 and 51**

i. **The Examiner's Assertions**

The examiner asserts at page 8 line 14 to page 9 line 12 of the office action mailed October 21, 2004, that:

As per claims 50, 51 Perkowsky discloses:

Transmission/Means for transmitting from a consumer to a retailer website, (Col. 11, line 64-Col. 12, line 5, shows a plurality of User (or Client) Computers being connected to the Internet and available to consumers, Manufacturers, and Retailers, w/ Col. 15, lines 1-4, lines 19-27, shows that a consumer makes a request at a client subsystem that is physically hosted at the retailer by way of a three field browser framework);

Transmission/Means for transmitting from the retailer website to a remote website, (Col. 12, lines 16-20, shows transfer of consumer product related information between the Remote Client Computer and the Web Based Document Server, in this case, the retailer website is shown by the Client Computer, and the remote website is shown by the Web Based Document Server since it is remote to the Remote Client),

and

Transmission/Means for transmitting from the remote website to the retailer website, of a list of manufacturer incentives, (Col. 11, lines 37-40, shows that a central UPC/URL database Subsystem serves the consumer product information to retailers, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to retailers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives). [Office action mailed October 21, 2004, page 8 line 14 to page 9 line 12.]

## ii. The Applicant's Reply

First, as explained supra, the applicant submits that Perkowsky is not prior art.

Moreover, claims 50 and 51 recite “performing transactions involving multiple separate entities.” [Emphasis added.] Applicants respectfully submit that none of the passages cited above by the examiner teach the recited limitation of claims 50 and 51 of “performing transactions involving multiple separate entities.” Therefore, the citations from Perkowski relied upon by the examiner do not teach all the limitations of claims 50 and 51. Therefore, applicants respectfully submit that the rejections of claims 50 and 51 under 35 USC 102(a) as being anticipated by Perkowski are improper and should be reversed.

**3. The Rejections Under 35 USC 103(a) of Claims 27 and 39 as Being Obvious Over Perkowski**

**a. The Examiner's Assertions**

The examiner asserts at page 9 line 15 to page 12 line 4 of the office action mailed October 21, 2004, that

As per claim 27, 39, Perkowski discloses:

transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive/means for transmitting...(Col. 15, lines 19-44, shows that a consumer makes a request at a client subsystem that is physically hosted at the retailer by way of a three field browser framework which includes search button); transmitting from said Web site of said manufacturer to said remote site said selection data/means for transmitting from said Web site ... (Col. 15, lines 37-40, IPI finding an serving subsystem is the remote site);

transmitting from said Web site of said manufacturer to said consumer computer details/means for transmitting from said Web site of said manufacturer, (Col. 12, lines 16-20, shows transfer of consumer product related information between the Remote Client Computer and the Web Based Document Server, in this case, the consumer computer is shown by the Client Computer, and the remote website is shown by the Web Based Document Server since it is remote to the Remote Client, w/ Col. 11, lines 37-40, shows that a central UPC/URL

database Subsystem serves the consumer product information to consumers, where the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers and is included in consumer product information, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to consumers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives, w/ Col. 11, lines 34-45, shows the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers and is included in consumer product information, w/ Col. 13, lines 2-9, where it is also shown that the Web based document server transfers UPC/URLs to the IPD servers, and therefore works in conjunction with the UPC/URL database to serve the consumer product information to consumers, w/ Col. 6, lines 50-58, the list is shown by categorizing and graphically displaying product information which also includes Product Incentives, w/ Col. 11, lines 34-45, shows the name of the product's manufacturer and URL specifying the location of information resources are served to remote retailers and consumers).

The following is obvious with Perkowski:

transmitting from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive/means for transmitting from said remote site ... (Col. 15, lines 37-40, obvious that details are transmitted to the manufacturer since the browser ultimately displays Web pages served from the IPD server and associated with the Search mode);

It would have been obvious to one of ordinary skill in the art to transmit from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive with the motivation ensuring that significant details of manufacturer selection data are sent to the correct location. [Office action mailed

October 21, 2004, page 8 line 14 to page 9 line 12.]

**b. The Passages from Perkowski Relied Upon By the Examiner**

In rejecting claims 27 and 39 the examiner relies on the following passages from Perkowski:

Another object of the present invention is to provide such a product information finding and serving system, wherein the URLs symbolically linked to each registered product in the IPD Servers thereof are categorized as relating primarily to Product Advertisements, Product Specifications, Product Updates, Product Distributors, Product Warranty/Servicing, and/or Product Incentives (e.g. rebates, discounts and/or coupons), and that such URL categories are graphically displayed to the requester by way of easy-to-read display screens during URL selection and Web-site connection. [Perkowski at column 6 lines 50-58.]

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As shown in FIGS. 2A1 and 2A2, the consumer-product information collection, transmission and delivery system illustrated in FIG. 1 is realized as an arrangement of system components, namely: a central UPC/URL Database Subsystem 9 for storing and serving various types of consumer-product information to retailers and consumers alike (e.g. the name of the product's manufacturer; the Universal Product Code (UPC) assigned to the product by the manufacturer; one or more URLs specifying the location of information resources on the Internet at which particular kinds of information relating to the consumer-product can be found; [Perkowski at column 11 lines 34-45.]

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...a plurality of User (or Client) Computers, each indicated by reference

numeral 13, being connected to the Internet via the Internet infrastructure and available to consumers (C1, C2, C3, . . . , Ci); one or more data communication (i.e. EDI) networks 14, comprising data collection nodes 15 and communication links 16, operably connected to the centralized UPC/URL Database Subsystem 9, each Client Computer 13 available to a Manufacturer (M1, M2, M3, . . . , Mj) and Retailer (R1, R2, R3, . . . , Rk) within the retail supply and demand chain; [Perkowski at column 11 line 64 to column 12 line 5.]

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...for administrating the registration of manufacturers and products with the system, initiating the transfer of consumer product related information (e.g. menu of URLs) between the remote Client Computer Systems and Web-Based Document Server 30, transferring such information to the IPD Servers 11, and maintaining local records of such information transfers and the like. [Perkowski at column 12 lines 16-21.]

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...The function of the Web-based Document Server 30, Web-based Administration System 31 and remote client systems 13 running the Premenos.RTM. WebDox Remote.TM. software is to provide a Web-based Document Transport System for automatically transferring information (e.g. UPC/URLs) from manufacturers to the IPD Servers of the system in order to periodically update the same....[Perkowski at column 13 lines 2-9.]

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In the case of Client Subsystems physically hosted (i.e. located) within the

environment of retail stores, a three-field browser framework as shown in FIG. 3C will be highly effective in meeting the needs of the retailer, consumer, and business organization delivering the IPI finding and serving subsystem of the present invention...[Perkowski at column 15 lines 1-4.]

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"Welcome to the UPC Request.TM. Consumer Product-Information Finding and Serving System sponsored by THE HOME DEPOT for your shopping convenience and pleasure."

The height of this display field 20A need only be a small fraction of the consumer's display screen (e.g. 3/4 inches) to convey this message to the consumers during use of the IPI finding and serving subsystem of the present invention within the retailer's real (or virtual) shopping environment. [Perkowski at column 15 lines 19-27.]

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...When selected, the IPI Find Button 21A activates the IPI Finding Mode of the IPI finding and serving subsystem. When selected, the UPC Search Button 21B activates the UPN Search Mode of the IPI finding and serving subsystem. When selected, the Product Registration Button 21C activates the Product Registration Mode of the IPI finding and serving subsystem. Each of these modes will be described in great detail hereinafter.

As shown in FIG. 3C, the third display field 20C, occupying a substantial portion of the entire browser display screen, is used to display (1) Web pages that are served from the IPD Server 11 and are associated with the operation of either the IPI Find Mode, the UPC Search Mode or the Product Registration Mode of the system...[Perkowski at column 15 lines 26-49.]

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At Block C in FIG. 6A, the Client System Ca receives the URLi from the IPD Server. Then, in response to a URL selection query based on the content of information subfields shown in FIG. 4A2 and displayed on the screen of the Client System Ca, the Client System Ca requests the IPI Server, identified by the user selected URLi, to provide the product information located by the registered URLi. Having accessed and displayed such product related information at the Client System, the user can review the information at the specified URLi, acquire knowledge about the product, and may, if the option is provided at the URL-specified Web-site, purchase the product by way of an on-screen electronic commercial transaction....[Perkowski at column 22 lines 48-60.]

**c. The Rejections Under 35 USC 103(a) of Claims 27 and 39 as Being Obvious Over Perkowski are Untenable and Should be Reversed**

Claims 27 and 29 stand rejected under 35 U.S.C. 103(a) as being obvious over Perkowski. The applicant submits that Perkowski is not 102(e) prior art, as explained above, and thus it is not 103(a) prior art.

Moreover, the applicants respectfully submit that the subject matter defined by claims 27 and 39 is non-obvious over Perkowski, as is further argued below.

Claims 27 and 39 depend from claims 24 and 36, respectively, and therefore include all the limitations of their respective base claims. Therefore, applicants respectfully submit that claims 27 and 39 are not rendered obvious by Perkowski because Perkowski does not teach or suggest all the limitations of respective base claims 24 and 36. Therefore, applicants respectfully submit that the examiner has not made out proper *prima facie* rejections of claims 25 and 37 under 35 USC 103(a). Therefore, applicants respectfully submit that the rejections of claims 25 and 37 under 35 USC 103(a) as being obvious over Perkowski are improper and should be

reversed.

Further, applicants respectfully submit that the examiner has not provided proper reasoning explaining why one of ordinary skill in the art at the time of the invention would have found a motivation or suggestion to modify the teachings of Perkowski to obtain the subject matter of claims 27 and 39, absent impermissible hindsight. For this additional reason, therefore, applicants respectfully submit that the examiner has not made out proper *prima facie* rejections of claims 25 and 37 under 35 USC 103(a). Therefore, applicants respectfully submit that the rejections of claims 25 and 37 under 35 USC 103(a) as being obvious over Perkowski are improper and should be reversed.

**4. The Rejections Under 35 USC 103(a) of Claims 29 and 41 as Being Obvious Over Perkowski in View of Sloan**

**a. The Examiner's Assertions**

The examiner asserts at page 12 line 5 to page 13 line 7 of the office action mailed October 21, 2004, that

As per claims 29, 41, Perkowski fails to disclose transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request and determining manufacturer's incentives to transmit from said remote Website to said Web site of said retailer based upon said user identification, but does disclose the transmission of manufacturer's incentives to consumers in Col. 12, lines 16-20.

However, Sloane discloses:

transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request/means for transmitting a user identification determining manufacturer's incentives to transmit form said remote Website to said Web sire [sic] of said retailer based upon said user identification/means for determining manufacturer's incentives, (Col. 9, lines 52-58, Claim 12, Claim 15, shows usage of consumer identification

in conjunction with transmitting consumer product information). Sloane discloses this limitation in an analogous art for the purpose of showing that a consumer identification can affect the transmittal of consumer product information.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmit a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request and determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification with the motivation of sending the consumer an incentive which is identified by consumer id. [Office action mailed October 21, 2004, at page 12 line 5 to page 13 line 7.]

**b. The Passages from Sloan Relied Upon By the Examiner**

In support of the rejections of claims 29 and 41, the examiner relies upon the following passages from Sloan:

...processing means including data receiving means for receiving consumer product and promotional information, data storage means for storing the received consumer, product and promotional information, and data transmission means for transmitting the stored consumer product and promotional information within the retail establishment; [Sloane at column 9 lines 52-58.]

12. The apparatus according to 11, wherein said consumer identification information consists of the consumer's identity, and the purchasing history of the identified consumer. [Sloane claim 12.]

15. The apparatus according to claim 14, wherein said identification receiving means comprises an opening in said portable bar code scanner center for receiving the consumer's identification information. [Sloane claim 15.]

c. **The Applicant's Reply**

The applicant submits that Perkowski is not prior 102(e) prior art, as explained above, and thus not 103(a) prior art.

Moreover, claims 29 and 41 depend from claims 28 and 40, respectively, and therefore include all the limitations of their respective base claims. Therefore, applicants respectfully submit that claims 29 and 41 are not rendered obvious by Perkowski in combination with Sloane because neither Perkowski nor Sloane, alone or in combination, teach or suggest all the limitations of respective base claims 28 and 40. Therefore, applicants respectfully submit that the examiner has not made out proper *prima facie* rejections of claims 29 and 41 under 35 USC 103(a). Therefore, applicants respectfully submit that the rejections of claims 29 and 41 under 35 USC 103(a) as being obvious over Perkowski in view of Sloane are improper and should be reversed.

Further, applicants respectfully submit that the examiner has not provided proper reasoning explaining why one of ordinary skill in the art at the time of the invention would have found a motivation or suggestion to combine the teachings of Sloane with the the teachings of Perkowski to obtain the subject matter of claims 29 and 41, absent impermissible hindsight. For this additional reason, therefore, applicants respectfully submit that the examiner has not made out proper *prima facie* rejections of claims 29 and 41 under 35 USC 103(a). Therefore, applicants respectfully submit that the rejections of claims 29 and 41 under 35 USC 103(a) as being obvious over Perkowski in view of Sloane are improper and should be reversed.

**5. The Rejections Under 35 USC 103(a) of Claims 31 and 43 as Being Obvious Over Perkowski in View of Smolen**

a. **The Examiner's Assertions**

The examiner asserts at page 13 lines 8-20 of the office action mailed October 21, 2004, that

As per claims 31, 43, Perkowski fails to teach wherein said region data is postal code data, but does disclose region data through URLs in col. 11 ,lines 42 43.

However Smolen discloses:

wherein said region data is postal code data, (Col. 4, lines 64-67, represented by postal code). Smolen discloses this limitation in an analogous art for the purpose of showing that postal code data can be incorporated into a system for transmitting incentives.

It would have been obvious to one of ordinary skill in the art for the region data to be postal code data in order to determine the location of the retailer versus the location of the user for incentive transmittal purposes.

**b. The Passages from Smolen Relied Upon By the Examiner**

In support of the rejections of claims 31 and 43, the examiner relies upon the following passages from Smolen:

...If the telephone number is used as the code, it is preferably considered part of the information profile because the area-code and exchange make valuable demographic additions to the profile. [Smolen at column 4 lines 64-67.]

**c. The Applicant's Reply**

The applicant submits that Perkowski is not 102(e) prior art, and thus not 103(a) prior art.

Moreover, claims 31 and 43 depend from claims 28 and 40, respectively, and therefore include all the limitations of their respective base claims. Therefore, applicants respectfully submit that claims 31 and 43 are not rendered obvious by Perkowski in combination with Sloane because neither Perkowski nor Smolen, alone or in combination, teach or suggest all the limitations of respective base claims 28 and 40. Therefore, applicants respectfully submit that the examiner has not made out proper *prima facie* rejections of claims 31 and 43 under 35 USC 103(a). Therefore, applicants respectfully submit that the rejections of claims 31 and 43 under 35 USC 103(a) as being obvious over Perkowski in view of Smolen are improper and should be reversed.

Further, applicants respectfully submit that the examiner has not provided proper

reasoning explaining why one of ordinary skill in the art at the time of the invention would have found a motivation or suggestion to combine the teachings of Smolen with the the teachings of Perkowski to obtain the subject matter of claims 31 and 43, absent impermissible hindsight. For this additional reason, therefore, applicants respectfully submit that the examiner has not made out proper *prima facie* rejections of claims 31 and 43 under 35 USC 103(a). Therefore, applicants respectfully submit that the rejections of claims 31 and 43 under 35 USC 103(a) as being obvious over Perkowski in view of Smolen are improper and should be reversed.

**H. 37 CFR 41.37 (c)(1)(viii) Claims Appendix**

An appendix containing a copy of the claimed involved in the appeal is attached as Appendix I.

**I. 37 CFR 41.37 (c)(1)(ix) Evidence Appendix**

Two 37 CFR 1.121 declarations were submitted pursuant to 1.131 on February 2, 2001. The examiner entered those declarations as indicated by the office action dated 3/9/2001 page 7 lines 5-7 in which the examiner withdrew rejections based upon a reference referred to by the examiner as "Allsop" in reliance upon those two declarations. Copies of the declarations and exhibits filed 2/2/2001 are Attachment 1.

**J. 37 CFR 41.37 (c)(1)(x) Related proceedings appendix**

There are no related appeals. Accordingly, this section is inapplicable.

**IV. 37 CFR 47.37 (c)(2)**

This brief contains no new evidence. Accordingly, this section is inapplicable.

**V. 37 CFR 41.37 (d)**

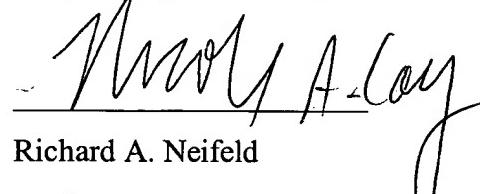
This brief is in compliance with the requirements of paragraph (c) of this section. Accordingly, this section is inapplicable.

VI. **37 CFR 41.37 (e)**

This supplemental appeal brief is filed within 4 months of the notice of appeal.  
Accordingly, a 2 month extension of time is necessary.

5/16/05  
DATE

Respectfully Submitted,

  
Richard A. Neifeld

Registration No. 35,299

Attorney of Record

Nicole A. Coy

Registration No. 54,051

Appendix I



24. A computer network implemented method, comprising the steps of:  
transmitting from a consumer computer over the Internet to a Web site of a manufacturer  
request for manufacturer incentives to purchase one of a product and a service offered by said  
manufacturer;

in response to said request for manufacturer incentives, transmitting region data from said  
Web site of said manufacturer over the Internet to a remote Web site;

in response to receipt of region data at said manufacturer's Web site, transmitting from  
said remote Web site to said Web site of said manufacturer at least one manufacturer incentive  
and at least one name and address of a retailer; and

transmitting from said Web site of said manufacturer over the Internet to said consumer  
computer said at least one manufacturer incentive and said at least one name and address.

25. The method according to claim 24, wherein said step of transmitting from said  
remote site further comprises transmitting a link to a Web site of said retailer.

26. The method according to claim 24, further comprising the step of determining said at  
least one manufacturer's incentive and said at least one name and address of a retailer by  
querying, using said region data, a database from a server of said remote Web site.

27. The method according to claim 24, further comprising the steps of:  
transmitting from said consumer computer to said Web site of said manufacturer selection  
data indicating selection of said at least one manufacturer incentive;

transmitting from said Web site of said manufacturer to said remote site said selection  
data;

transmitting from said remote site to said Web site of said manufacturer details of the  
selected at least one manufacturer incentive; and

transmitting from said Web site of said manufacturer to said consumer computer said

details.

28. A computer network implemented method, comprising the steps of:  
transmitting from a consumer computer over the Internet to a Web site of a retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer;

in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

29. The method according to claim 28, further comprising the steps of:  
transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request; and  
determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification.

30. The method according to claim 28, further comprising the step of transmitting from the consumer computer over the Internet to the Web site of the retailer region data.

31. The method according to claim 30, wherein said region data is postal code data.

32-35. (Canceled)

36. A computer network implemented system, comprising:  
means for transmitting from a consumer computer over the Internet to a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service

offered by said manufacturer;

means for, in response to said request for manufacturer incentives, transmitting region data from said Web site of said manufacturer over the Internet to a remote Web site;

means for, in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer; and

means for transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address.

37. The system according to claim 36, wherein said means for transmitting from said remote site said list further comprises means for transmitting a link to a Web site of said retailer.

38. The system according to claim 36, further comprising means for determining said at least one manufacturer's incentive and said at least one name and address of a retailer by querying, using said region data, a database from a server of said remote Web site.

39. The system according to claim 36, further comprising:

means for transmitting from said consumer computer to said Web site of said manufacturer selection data indicating selection of said at least one manufacturer incentive;

means for transmitting from said Web site of said manufacturer to said remote site said selection data;

means for transmitting from said remote site to said Web site of said manufacturer details of the selected at least one manufacturer incentive; and

means for transmitting from said Web site of said manufacturer to said consumer computer said details.

40. A computer network implemented system, comprising:

means for transmitting from a consumer computer over the Internet to a Web site of a

retailer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer;

means for, in response to receipt of said request at said Web site of said retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

means for, in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

means for, in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

41. The system according to claim 40, further comprising:

means for transmitting a user identification from said Web site of said retailer over the Internet to said remote Web site in association with said request; and

means for determining manufacturer's incentives to transmit from said remote Web site to said Web site of said retailer based upon said user identification.

42. The system according to claim 40, further comprising means for transmitting from the consumer computer over the Internet to the Web site of the retailer region data.

43. The system according to claim 42, wherein said region data is postal code data.

44-47. (Canceled)

48. A computer program product for implementing on a network a method, comprising the steps of:

in response to receiving at a Web site of a manufacturer a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet, transmitting region data from a Web site of said

manufacturer over the Internet to a remote Web site;  
in response to receipt of region data at said manufacturer's Web site, transmitting from said remote Web site to said Web site of said manufacturer at least one manufacturer incentive and at least one name and address of a retailer; and  
transmitting from said Web site of said manufacturer over the Internet to said consumer computer said at least one manufacturer incentive and said at least one name and address.

49. A computer program product for performing a computer network implemented method, comprising the steps of:

in response to receipt of a request for manufacturer incentives to purchase one of a product and a service offered by a manufacturer transmitted from a consumer computer over the Internet to a Web site of a retailer, transmitting said request from said Web site of said retailer over the Internet to a remote Web site;

in response to receipt of said request at said remote site, transmitting from said remote site over the Internet to said Web site of said retailer a list of manufacturer incentives; and

in response to receipt of said manufacturers incentives at said Web site of said retailer, transmitting over the Internet to said consumer computer said list of manufacturers incentives.

50. A computer implemented method comprising performing transactions involving multiple separate entities, including

transmission from a consumer to a retailer website,  
transmission from the retailer website to a remote website, and  
transmission from the remote website to the retailer website, of a list of manufacturer incentives.

51. A system comprising structure for performing transactions involving multiple separate entities, including:

means for transmitting from a consumer to a retailer website,  
means for transmitting from the retailer website to a remote website, and

means for transmitting from the remote website to the retailer website, of a list of manufacturer incentives.

RGC/NAC

Printed: May 16, 2005 (6:06pm)

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7791-0103-25X CONT  
CAT/34-SCRO-CONT

Attachment 1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Michael C. SCROGGIE et al : EXAMINER: ROBINSON-BOYCE, A.

SERIAL NO: 09/505,632 :

FILED: February 16, 2000 : GROUP ART UNIT: 2163

FOR: SYSTEM AND METHOD FOR  
DISTRIBUTING INFORMATION...

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

37 CFR §1.131 DECLARATION OF MICHAEL C. SCROGGIE

(1) I, David A. Rochon, David W. Bunker and Will Gardenswartz, are the inventors named in the above-noted U.S. Patent Application Serial No. 09/505,632 entitled "SYSTEM AND METHOD FOR DISTRIBUTING INFORMATION THROUGH COOPERATIVE NETWORK SITES." which is a continuation application of U.S. Patent Application Serial No. 08/873,974, filed on June 12, 1997, now allowed.

(2) We conceived of the invention disclosed in the present application prior to May 13, 1997 and the present invention was constructively reduced to practice on the June 12, 1997, filing date of the U.S. Patent Application Serial No. 08/873,974.

(3) Exhibit A is a copy of a letter and an attachment to the letter including an initial invention disclosure and drawings for the 08/873,974 application that I sent to patent attorney Mr. Noel Heal prior to May 13, 1997.

(4) Exhibit B is a copy of billing records from Mr. Noel Heal reflecting work performed in preparation and filing of the 08/873,974 application.

(5) I and Mr. Bunker discussed the invention of the 08/873,974 application with Mr. Heal

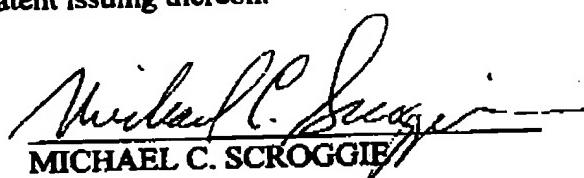
prior to May 13, 1997, I discussed a draft of the 08/873,974 application with Mr. Heal on June 9, 1997 and I and Mr. Gardenswartz discussed a revised draft of the 08/873,974 application with Mr. Heal on June 10, 1997.

(6) A final draft of the 08/873,974 application was filed on June 12, 1997.

(7) I swear under penalty of perjury that the foregoing statements are true and correct, and I am aware that any willful false statements are punishable by fine or imprisonment, or both, pursuant to 18 USC 1001 and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

1/26/01

DATE

  
MICHAEL C. SCROGGIE

Printed: January 25, 2001  
I:\atty\CRV\7791\77910103.scroggie declaration.wpd

O I P E  
MAY 16 2005 JC-2  
PATENT & TRADEMARK OFFICE  
7791-0103-25X CONT  
CAT/34-SCRO-CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Michael C. SCROGGIE et al : EXAMINER: ROBINSON-BOYCE, A.

SERIAL NO: 09/505,632 :

FILED: February 16, 2000 : GROUP ART UNIT: 2163

FOR: SYSTEM AND METHOD FOR  
DISTRIBUTING INFORMATION...

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

37 CFR §1.131 DECLARATION OF NOEL HEAL

- (1) I am the patent attorney who prepared and filed U.S. Patent Application Serial No. 08/873,974, on June 12, 1997, on behalf of the inventors Michael C. Scroggie, David A. Rochon, David W. Banker and Will Gardenswartz.
- (2) The subject invention disclosed in the 08/873,974 application was conceived prior to May 13, 1997 and the present invention was constructively reduced to practice on the June 12, 1997, filing date of the U.S. Patent Application Serial No. 08/873,974.
- (3) Exhibit A is a copy of a letter and an attachment to the letter including an initial invention disclosure and drawings for the 08/873,974 application that I received from Mr. Scroggie prior to May 13, 1997.
- (4) Exhibit B is a copy of my billing records reflecting work performed in preparation and filing of the 08/873,974 application.
- (5) I discussed the invention of the 08/873,974 application with Mr. Scroggie and Mr. Banker prior to May 13, 1997, I worked on preparing a draft of the 08/873,974 application on May 12, 15, 16, 19, 21 and June 4, 1997, I discussed the draft of the 08/873,974 application

with Mr. Scroggie on June 9, 1997 and I discussed the revised draft of the 08/873,974 application with Mr. Scroggie and Mr. Gardenswartz on June 10, 1997.

(6) I filed the final draft of the 08/873,974 application on June 12, 1997.

(7) I swear under penalty of perjury that the foregoing statements are true and correct, and I am aware that any willful false statements are punishable by fine or imprisonment, or both, pursuant to 18 USC 1001 and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

1/26/01  
DATE

Printed: January 25, 2001  
L:\atty\CRV\17791\177910103.heaf declaration.wpd

Noel Heal  
NOEL HEAL

NOEL HEAL

**SuperMarkets Online™  
Web Site Internetworking**

**Web Site Internetworking Description**

This document describes an invention of SuperMarkets Online™ (SMO) whereby Web Sites on the Internet are linked together to create a comprehensive and complimentary interchange to allow consumers to locate offers and information in their areas of interest in their local area. In its initial implementation, SMO will link the Web sites of consumer packaged goods manufacturers and supermarket retailers and deliver, via a central server, product offers and supermarket specials to consumers regardless whether the consumer visits the manufacturer site, the retailer site or SMO's cooperative site. This concept of a "Offer Locator" is illustrated on the attached charts and described further below.

This invention provides a solution to two outstanding issues in the packaged goods industry: how manufacturers communicate to consumers where their products are on special or "deal" in the consumer's local area and how to quickly report back to the manufacturer the results of the retail promotion of their products; and how retailers cost effectively communicate to consumers what manufacturer offers are available in their

*Rel.* stores. The retailer specials take the form of special features (i.e., endisale displays and the like), price markdowns and meal solutions for specific manufacturer products. The manufacturer offers include coupons, rebates, samples, product information, sweepstakes, contests, recipes, questionnaires and surveys, audio messages and advertising. Thus, this targeting capability applies not only to the national offers, but also to the weekly offers supplied by the retailers, therefore SMO must possess data about which brands/products are on special at a given retailer (down to the store level).

This information regarding which stores have which brands/products on special means that once SMO has developed a database of manufacturer offers available at what retail locations that, given a brand or product, the consumer could search for retail locations where the specified brand or product is on special. Conversely, SMO stores in its database manufacturer offers available and allows the consumer to query (or target specific offers via the personal page) what manufacturer offers are available from the retailer site. This is the essence of the Offer Locator concept and internetworking Web sites -- it provides a mechanism to efficiently inform and educate the consumer on a timely basis as to what offers (retail specials and manufacturer offers) are available regardless what site the user accesses.

There are many applications of the Offer Locator concept. For example, a "banner ad" placed by a national manufacturer could, upon being selected ("clicked" in Internet parlance), trigger an intermediate step where the consumer would then be asked to enter his or her zip code. A search would then be initiated by the SMO Server of the offer database the would match the content of the manufacturers ad (which could be a brand level ad or a product level ad) with retailer locations featuring the brand/product that are closest to the consumer's zip code.

One of the main applications of the Offer Locator is within the domain of a manufacturer's web site. In this instance, various hot links about the manufacturer's brands/products will

*Any browser  
for Internet  
Web sites?  
in other con  
E.g./historique  
77? FILM!*

*little*

*) what's ?*



## MEMORANDUM

---

TO: Noel Heal  
cc: David Rochon, Will Gardenswartz, Dave Banker  
FROM: Mike Scroggie *MS*  
SUBJECT: Web Site Internetworking Patent Application  
DATE: [REDACTED]

---

Attached is an overview of a new invention for which we need to submit a patent application. Although initially we plan to address the supermarket/packaged goods arena, the concept is much broader and claims should be developed to cover:

- The Supermarket/Consumer packaged goods industry
- Retail industries for hard and soft goods *clutter*
- Any industry where information can be aggregated and disbursed via a computer network based on a consumer's (or third party's) selection

We are on a timeline to begin pitching this concept to retailers about [REDACTED], therefore we would like the patent application to be filed by that time. In the meantime, we will share the concept with third parties only under a NDA. Please advise me as to the disclosure rules we must follow to ensure the eventual patent's validity.

Please get back to me as to what additional information you need to draft the application and what filing date is realistic.

CONFIDENTIAL

EXHIBIT A  
SERIAL NO. 09/505,632

[REDACTED] / [REDACTED]

**SuperMarkets Online™  
Web Site Internetworking**

2

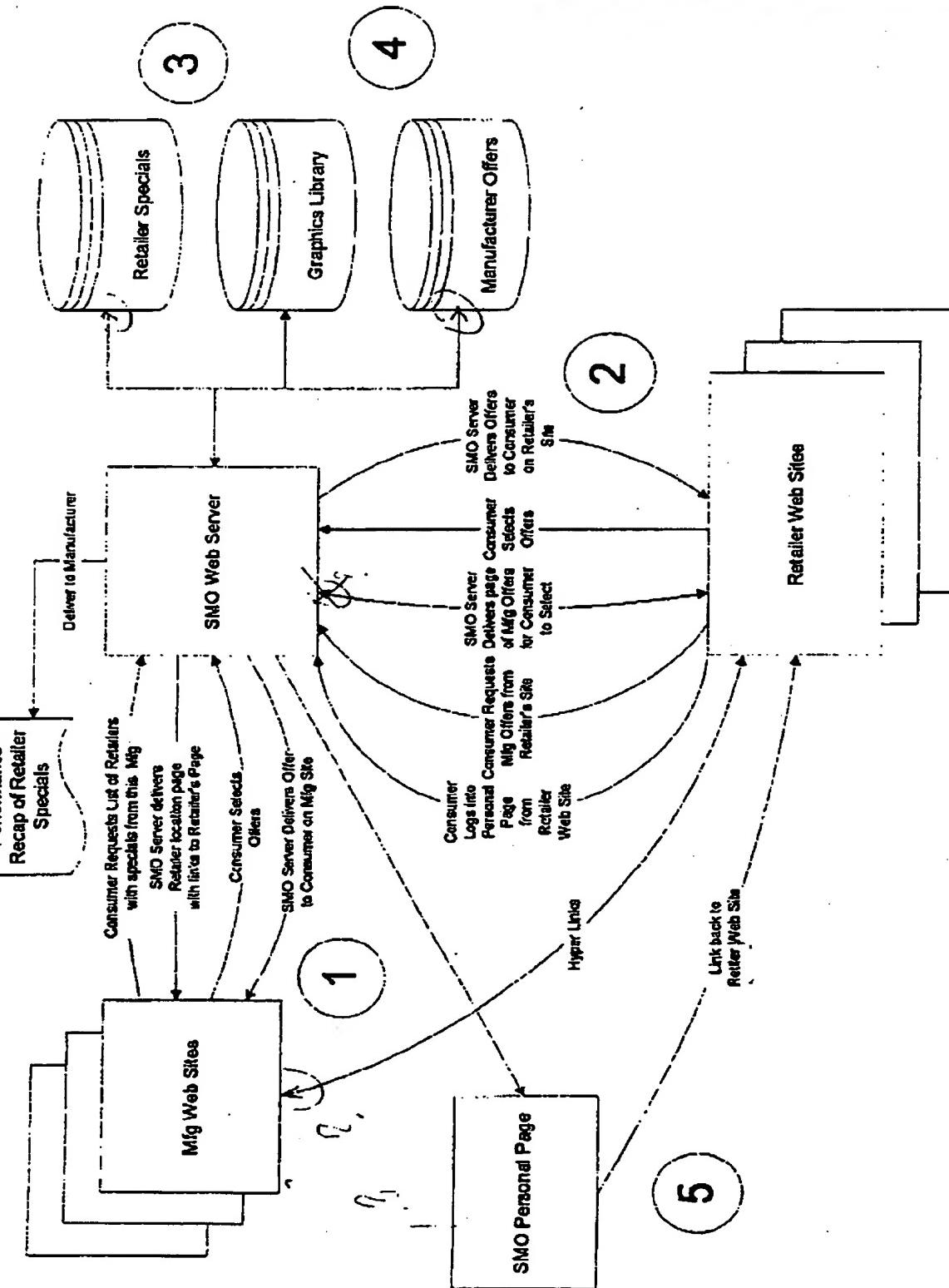
use the Offer Locator to relate clicks on the "within site" banners to retailer locations featuring the brands/products within proximity of the consumer.

These are just representative examples of the application of the present invention. Searches do not have to be by zip code (e.g., they could be by street address, or by a credit card number, or online membership account, or by a "cookie"), and the intermediate give-us-your-search criteria step could ask a variety of other questions like "Who is your favorite retailer?" or "Of the following brands offered by manufacturer X which do you care about most?" Likewise, the point-of-entry into the Offer Locator service does not have to be a "banner ad." It could, for example, be triggered by clicking on a manufacturer's listing in an electronic Yellow Pages. In all cases the essence of the Offer Locator is the same. It relates an ad or promotion to a location where the advertised or promoted product is, first and foremost available, and then quite likely on special/featured. By linking the manufacturer and retailer sites together, all parties benefit; the manufacturer is able to inform the consumer where their products are featured, the retailer is able to efficiently promote their stores by highlighting what manufacturer offers are available and the consumer benefits by being better informed as to where to shop to save money.

The initial implementation of the present invention is illustrated in the following charts. The "Web Site Internetworking" chart graphically shows the relationship between the various components and the links established by the SMO Network. The SMO Server is paramount to this design. It provides a central reservoir of manufacturer and retailer offers and the relationships and properties of the network links. Whenever the consumer desires to locate an offer, he/she visits the applicable site in the network (either manufacturer, retailer or SMO's cooperative site) and initiates the Offer Locator application. The parameters of the search are entered by the consumer and the corresponding results are delivered by the SMO Server to the applicable site (via hyperlinks) and displayed to the consumer by his/her browser software. In the case of the consumer querying the retailer's site or SMO's cooperative site, the results may be delivered in the form of SMO's Personal Page. In order to timely inform the manufacturer of the results of the retail promotion, SMO extracts item movement data from the store's point-of-sale system and summarizes the results of the promotion back to the manufacturer in the form of Internet delivered performance reports.

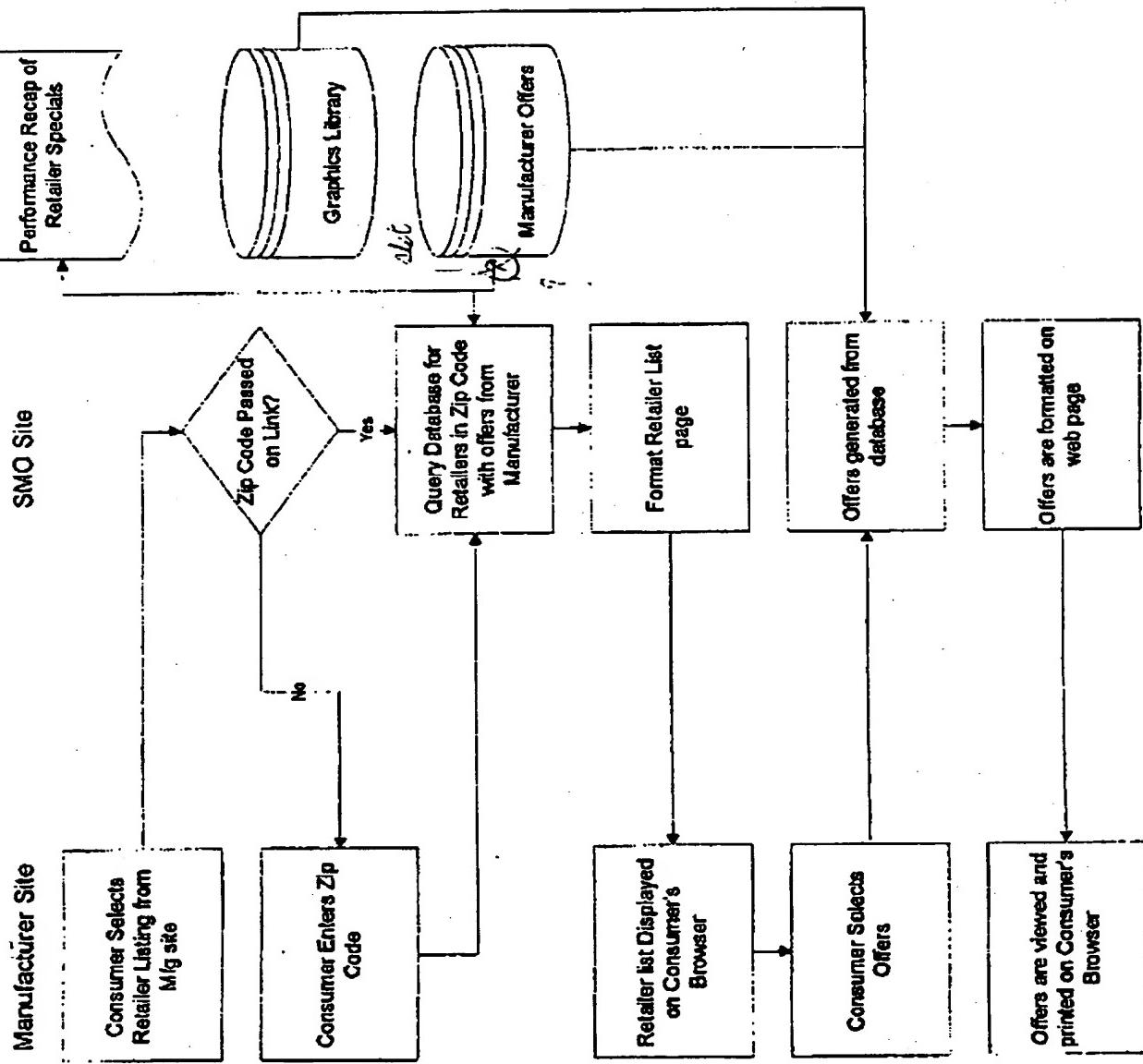
Subordinate Charts 1 through 5 illustrate the detailed process flow within the various components of the network. Chart 1 shows the processing steps which are initiated (on both the manufacturer's site and SMO's site) when the consumer visits the manufacturer site and selects the Offer Locator application. Chart 2 shows the corresponding process flow from the retail site interface perspective. Chart 3 shows the process of capturing or entering retail special information into the SMO database, while Chart 4 illustrates the manufacturer offer capture process. Chart 5 shows the processing steps initiated by the SMO Server to navigate the consumer through the Personal Page which delivers targeted offers and specials to the consumer's preferences and buying habits.

## Web Site Internetworking



1

## Manufacturer Web Site Interface

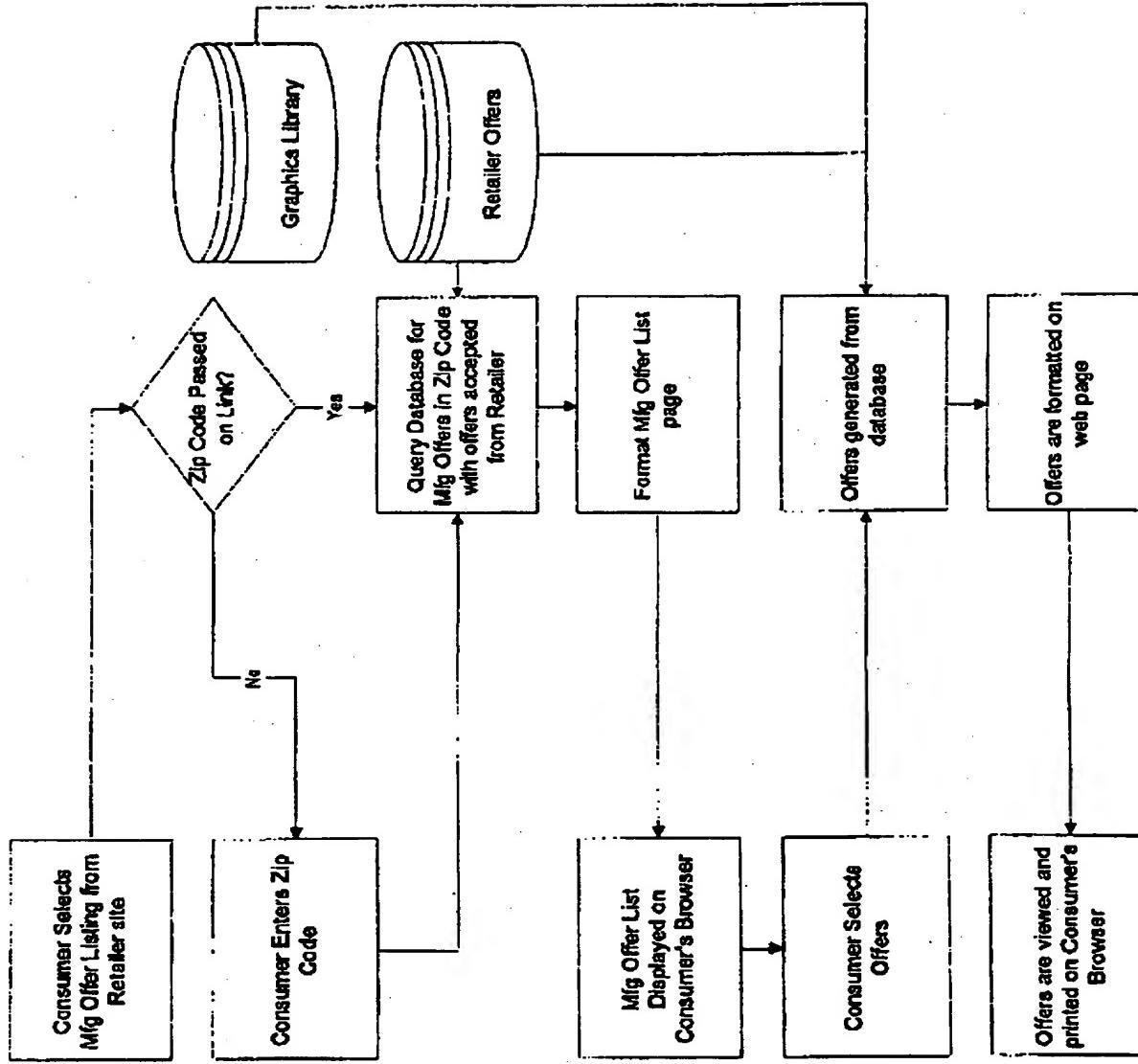


## Retailer Web Site Interface

Retailer Site

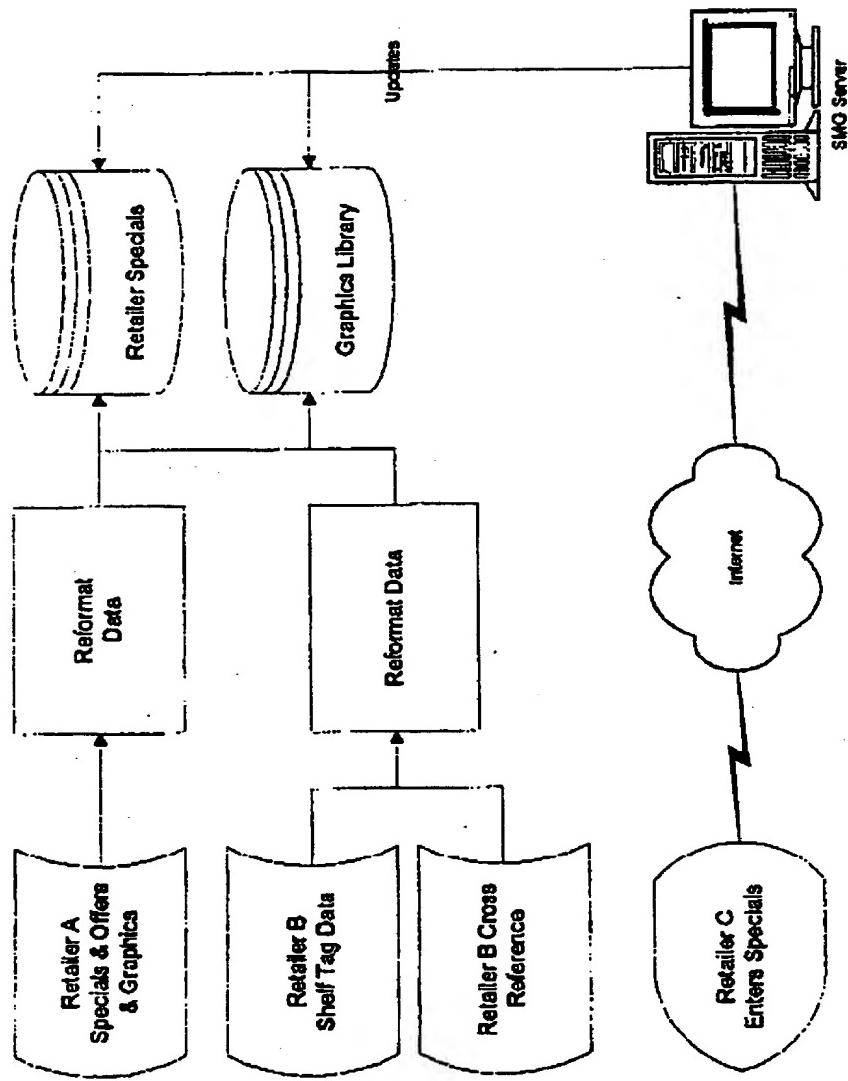
SMO Site

2



3

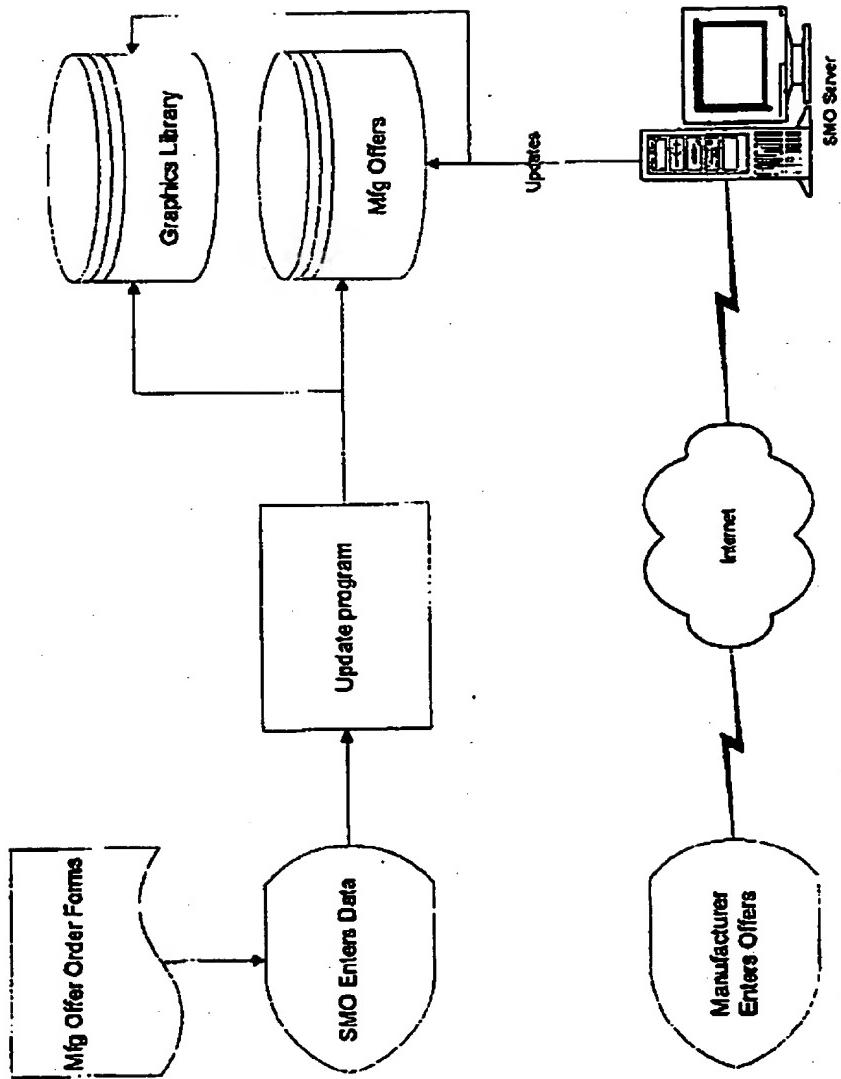
### Retailer Specials Maintenance



A, B, C: what's the difference?

## Manufacturer Offers Maintenance

4



A

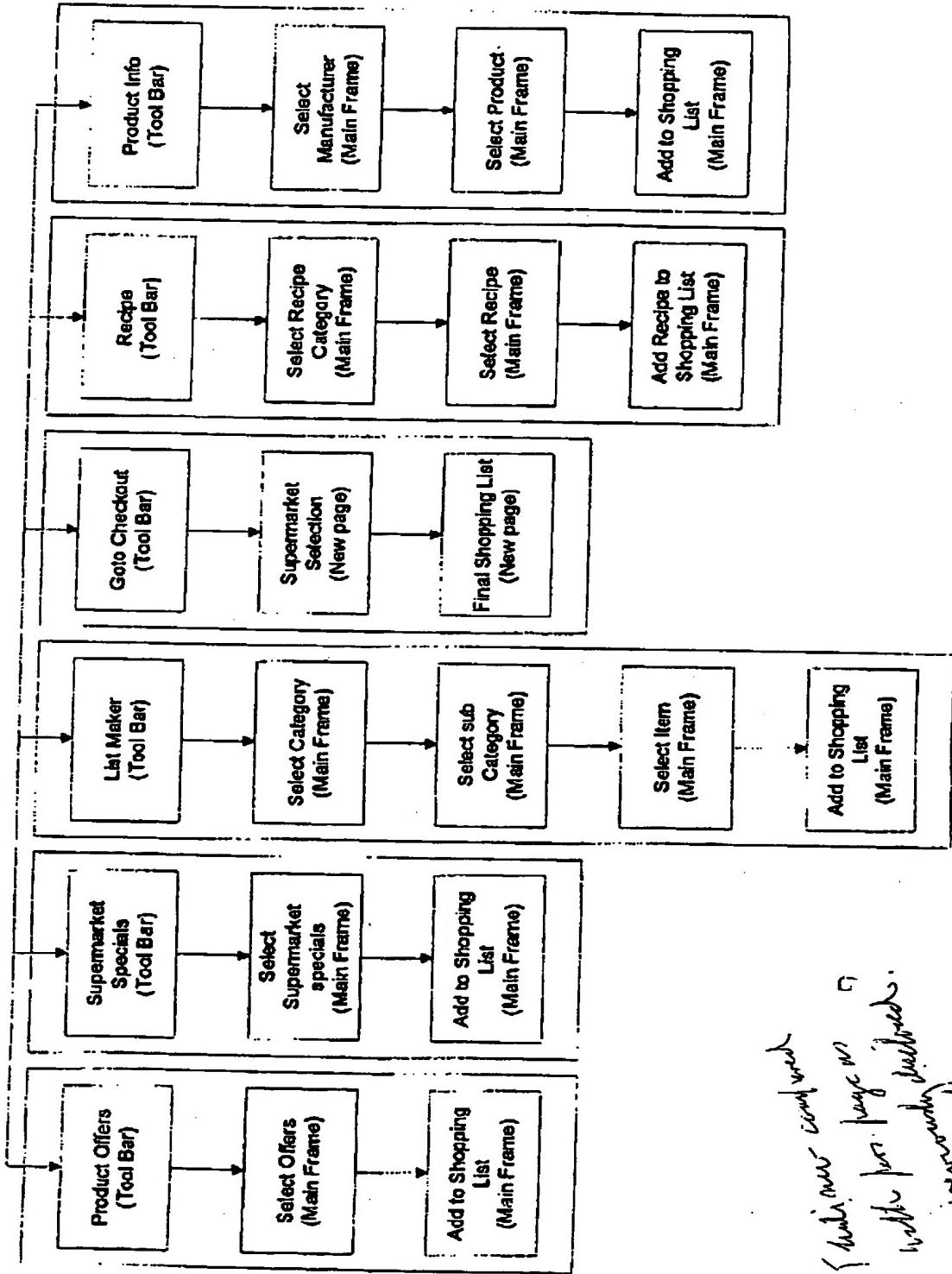
B

A/B : What's the difference?

## Personal Page

5

First Page  
(Intro Page)



{ Multi-level  
with previous selected  
interactions }

Activity : All  
 Custom Fields : All  
 Matter : \*3  
 Slip status : Open  
 Billing status : All  
 Rate source : All at level All  
 Bookmark slips : Not checked  
 Hours : All  
 Dollars : All  
 Variance : Not checked

Date	Description	Matter	Bill. Slip Value
	Review disclosure material prior to meeting with inventors	*3	300.00
	Meeting with Mike Scroggie and Dave Bunker to discuss details of new invention disclosure	*3	400.00
05/12/97	Preparation of draft patent application	*3	240.00
05/15/97	Preparation of draft patent application	*3	600.00
05/16/97	Preparation of draft application	*3	1880.00
05/19/97	Preparation of patent application and modification of drawings	*3	1760.00
05/21/97	Review and revise the draft application	*3	500.00
06/04/97	Revision of application draft and adding new material on "value banner"	*3	1240.00
06/09/97	Discussion with Mike Scroggie; revision of application and claims	*3	650.00
06/10/97	Complete revision of draft application; phone calls to Mike Scroggie and Will Gardsenwartz	*3	300.00
06/12/97	Preparation of transmittal papers	*3	400.00
12/23/97	Airborne Exp. - formal papers to Mike Scroggie	*3	9.75
01/05/98	Application filing fee and assignment fee, paid with filing of formal papers (already paid by Catalina Supermarkets Online -- see below)	*3	1190.00
03/04/98	Download copy of Sun Microsystems European app. no. EP 0 809202A2	*3	4.95
09/03/98	Correspondence with foreign associates to send copies of application for filing	*3	300.00
<b>GRAND TOTAL</b>			<b>9784.70</b>

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EXHIBIT B  
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